

LYLE S. HOSODA & ASSOCIATES, LLC

Lyle S. Hosoda 3964-0
Raina P.B. Gushiken 7329-0
345 Queen Street, Suite 804
Honolulu, Hawai'i 96813
Telephone: (808) 524-3700
Facsimile: (808) 524-3838
E-mail: lsh@hosodalaw.com

Counsel for Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY,

Plaintiff,

vs.

DEUTSCHE BANK TRUST
COMPANY AMERICAS (FKA
BANKERS TRUST COMPANY) AND
JP MORGAN CHASE BANK IN THEIR
SEPARATE CAPACITIES AND AS
AGENTS FOR THE PRE AND POST-
PETITION LENDERS OF FLEMING
COMPANIES, INC.; DOES 1 TO 200,

Defendants.

) Case No. CV 07-00172 SOM LEK

)
) Judge Susan Oki Mollway

)
) **CERTIFICATE OF COMPLIANCE**
) **REGARDING DEFENDANTS'**
) **SUPPLEMENTAL BRIEFING IN**
) **RESPONSE TO THE COURT'S**
) **ORDER CONTINUING HEARING**
) **ON DEFENDANTS' MOTION TO**
) **DISMISS AND PLAINTIFF'S**
) **COUNTER-MOTION FOR PARTIAL**
) **SUMMARY JUDGMENT**

)
)
) Hearing: August 14, 2007
) Time: 11:15 a.m.
) Place: Room C-409
)

**CERTIFICATE OF COMPLIANCE REGARDING
DEFENDANTS' SUPPLEMENTAL BRIEFING IN RESPONSE
TO THE COURT'S ORDER CONTINUING HEARING ON
DEFENDANTS' MOTION TO DISMISS AND PLAINTIFF'S
COUNTER-MOTION FOR PARTIAL SUMMARY JUDGMENT**

I certify that the attached *Defendants' Supplemental Briefing In Response To The Court's Order Continuing Hearing On Defendants' Motion To Dismiss And Plaintiff's Counter-Motion For Partial Summary Judgment* is proportionately spaced and has a typeface of 14 points. I further certify that the word count of the attached filing, excluding the case caption, table of contents, signature page, exhibits, declarations, certificates of counsel, and certificates of service, is 3,490 and was counted using Microsoft Word Count.

DATED: Honolulu, Hawai'i,
August 6, 2007

LYLE S. HOSODA & ASSOCIATES,
LLC

By: /s/ Lyle S. Hosoda

Lyle S. Hosoda 3964-0
Raina P.B. Gushiken 7329-0
345 Queen Street, Suite 804
Honolulu, Hawai'i 96813
Telephone: (808) 524-3700
Facsimile: (808) 524-3838
E-mail: lsh@hosodalaw.com

KIRKLAND & ELLIS LLP
Michael E. Baumann (S.B.N. 145830)
Erin N. Brady (S.B.N. 215038)
F. Wade Ackerman (S.B.N. 234747)
777 South Figueroa Street
Los Angeles, California 90017
Telephone: (213) 680-8400
Facsimile: (213) 680-8500
E-mail: ebrady@kirkland.com

Counsel for Defendants

WHITE & CASE LLP
Andrew DeNatale (ADN 2429)
Jonathan Moskin (Bar No. 1949031)
1155 Avenue of the Americas
New York, New York 10036-2787
Telephone: (212) 819-8200
Facsimile: (212) 354-8113
E-mail: adenatale@ny.whitecase.com

Of Counsel for Defendants